

CASE NOS. 24-2332, 24-2351

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UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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STATE OF MISSOURI, et al.,  
*Plaintiffs-Appellants-Cross-Appellees,*

v.

JOSEPH R. BIDEN, JR., in his official capacity as the President of the  
United States of America, et al.,  
*Defendants-Appellees-Cross-Appellants.*

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On Appeal from the United States District Court  
for the Eastern District of Missouri  
The Honorable District Court Judge John A. Ross  
Case No. 4:24-cv-520-JAR

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UNOPPOSED MOTION FOR 2-DAY EXTENSION

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Appellees / Cross-Appellants Plaintiff States respectfully move for a two-day extension for the filing of their opening brief because of a conflicting deadline in another student loans case. On September 2, 2024, Plaintiff States filed a separate lawsuit against Appellants / Cross-Appellees in the United States District Court for the Southern District of Georgia, *Missouri v. Dep't of Educ.*, No. 2:24-cv-00103, challenging a separate student loans rule. On September 5, after this Court set a new briefing schedule, the Southern District of Georgia granted a Temporary Restraining Order and scheduled a hearing for September 18 in Augusta, Georgia, the same day as a brief is due in this case. That court also expedited briefing this week.

In light of that oral argument, Plaintiff States respectfully ask this court to modify the expedited briefing schedule to include the following deadlines:

- Second Brief of Appellees / Cross-Appellants: **September 20, 2024**
- Third Brief of Appellants / Cross-Appellees: **October 4, 2024**
- Fourth Brief of Appellees / Cross-Appellants: **October 15, 2024**

As reflected, the modified briefing schedule does not amend the deadline for the Fourth Brief and would allow the oral argument set for October 24, 2024, to proceed as scheduled.

Plaintiff States have conferred with Appellants / Cross-Appellees, who have indicated that they do not oppose this motion.

Dated: September 10, 2024

Respectfully submitted,

/s/ Joshua M. Divine

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## CERTIFICATE OF COMPLIANCE

This filing complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(C) because, excluding the parts exempted by Fed. R. App. P. 32(f), it contains 215 words as determined by the word-counting feature of Microsoft Word 2016.

This filing also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared using Microsoft Word 2016 in 14-point proportionally spaced Century Schoolbook font.

And this filing complies with the electronic-filing requirements of Local Rule 28A(h)(2) because it was scanned for viruses using Windows Defender and no virus was detected.

/s/ Joshua M. Divine  
Joshua M. Divine

## CERTIFICATE OF SERVICE

I certify that on September 10, 2024, I electronically filed the foregoing motion with the Clerk of the Court by using the CM/ECF system, and that the CM/ECF system will accomplish service on all parties represented by counsel who are registered CM/ECF users. *See* Fed. R. App. P. 25(c)(2).

/s/ Joshua M. Divine  
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